

06-15-04

1631
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Docket No.: TIBO-002

Application No.: 09/836,477

Response to Office Action Dated: May 13, 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Brendan Larder, Stuart Bloor, Kurt
Hertogs, Pascale Alfons Rosa Dehertogh,
Rudy Jean Marc Mortier**

Confirmation No.: 8810

Application No.: 09/836,477

Group Art Unit: 1631

Filing Date: April 18, 2001

Examiner: Lori A. Clow

For: **Methods for measuring therapy resistance**

EXPRESS MAIL LABEL NO: EL997980149US

DATE OF DEPOSIT: June 14, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY PURSUANT TO 35 U.S.C. § 121

In response to the Official Action dated **May 13, 2004**, and due June 13, 2004 (Sunday), reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☐ **Amendments to the Specification** begin on page _____ of this paper.
- ☒ **Amendments to the Claims** are reflected in the listing of the claims after the restriction election has been made, which begins on page 2 of this paper.
- ☐ **Amendments to the Drawings** begin on page _____ of this paper and include an attached replacement sheet.
- ☒ **Remarks** begin on page 9 of this paper.



POCKET NO.: TIBO-0029 (VIP0009)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Brendan Larder, Stuart Bloor, Kurt Hertogs,
Pascale Alfons Rosa Dehertogh, Rudy Jean
Marc Mortier

Confirmation No.: 8810

Application No.: 09/836,477

Group Art Unit: 1631

Filing Date: April 18, 2001

Examiner: Lori A. Clow

For: Methods for measuring therapy resistance

EXPRESS MAIL LABEL NO: EL997980149US

DATE OF DEPOSIT: June 14, 2004

EL997980149US

☐ MS Amendment ☐ MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TRANSMITTAL LETTER

- ☐ A Preliminary Amendment.
- ☒ A Reply Responsive to the Office Action Dated May 13, 2004.
- ☐ A Reply Supplemental to the Paper filed .
- ☐ A Substitute Specification (pages 1 -) in clean form.
 - ☐ A substitute specification (pages 1 -) with markings.
- ☐ An Abstract is enclosed.
- ☐ replacement sheets of drawings are enclosed comprising figures .
- ☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.
- ☐ Petition is hereby made to accept drawing(s)/photograph(s) in this case.

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PATENT

- ☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
- ☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☒ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
 - ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ A Terminal Disclaimer is attached.
- ☐ Appendices as follows: .
- ☐ Other
- ☒ **No Additional Fee is Due.**
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as .
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

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PATENT

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	42	42	0	\$9 EACH	\$	\$18 EACH	\$0
INDEP. CLAIMS	7	7	0	\$43 EACH	\$	\$86 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$	\$290	\$0
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$	\$420	\$0
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$	\$950	\$0
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$	\$1480	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1005	\$	\$2010	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$0)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$0
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$		\$0


- ☐ A check in the amount of \$.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of. This sheet is attached in duplicate.
- ☐ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of to and through comprising an extension of the shortened statutory period of Three (3) months.

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PATENT

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: June 14, 2004


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